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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3082 OF 2005

Uttarkhand Education Society ... Petitioner

V/s.

Suman Dhairya Singh & Ors. ... Respondents

Mr.J.N. Pandhi with Ms.P.K. Shah for Petitioner
Mr.R.S. Apte for Respondents

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 26, 2005**

P.C.:

. The Petition challenges the order of the School Tribunal setting aside the order of termination of service dated 31.3.1999. The School Tribunal held that the respondent-teacher was appointed on a permanent basis as her appointment letter did not disclose that she was a temporary employee. The Tribunal has also held that the enquiry instituted against the respondent-teacher in pursuance of chargesheet dated 6.3.1999 was not in accordance with the Rules framed under the Maharashtra Employees of Private Schools Act. The termination order was therefore, set aside. The Tribunal was of the view that the termination order was issued to the respondent since (i) the charges had been proved against her at the enquiry, (ii) she had

instituted a suit against the managing body and head teacher of the school and (iii) she had violated the rules and regulations of the educational institution. The reasons for terminating her services were not in accordance with the chargesheet issued to her levelling various charges. The Tribunal therefore, was of the view that the enquiry held against her was illegal and that the termination order was required to be set aside.

2. A submission was made before me that the Respondent is not qualified to hold the post of an assistant teacher in the primary section of the school since it is not a sanctioned post. Reliance is placed on the judgment of the Full Bench of this Court in *Jayashree Sunil Chavan v/s. State of Maharashtra & Ors.*, **2000 (3) Mh.L.J. 605** to submit that the respondent is not a qualified teacher since she does not possess the D.Ed. qualifications. The appointment letter does not in any manner demonstrate that her appointment was only to the primary section of the school. Therefore, the submission made on behalf of the Petitioner regarding the qualifications of the Petitioner cannot be accepted. Petition rejected.